

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CT-3120-BO

GARY CHARLES SMITH,

Plaintiff,

v.

STEPHANIE HOLLEMBAEK, et al.,

Defendants.

ORDER

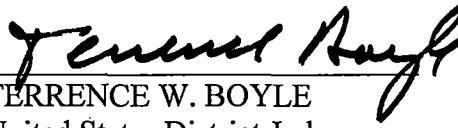
On December 15, 2015, Magistrate Judge Numbers issued an Order and Memorandum and Recommendation (“Order and M&R”) [D.E. 22]. In the Order and M&R, Judge Numbers recommended that the court dismiss plaintiff’s Complaint [D.E. 4], and denied plaintiff’s remaining motions [D.E. 6, 7, 12, 13] as moot. No objections to the Order and Memorandum and Recommendation have been filed.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the Order and M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the Order and M&R. The court DENIES a certificate of appealability. See 28

U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 13 day of January 2016.


TERRENCE W. BOYLE
United States District Judge